

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC**

In the Matter of	)	
	)	
Inquiry Concerning Deployment of Advanced	)	GN Docket No. 17-199
Telecommunications Capability to All Americans	)	
in a Reasonable and Timely Fashion	)	

**REPLY COMMENTS OF THE FIBER BROADBAND ASSOCIATION ON  
THE THIRTEENTH SECTION 706 REPORT NOTICE OF INQUIRY**

The Fiber Broadband Association (“Fiber Broadband” or “Association”) hereby submits reply comments in response to the Federal Communications Commission’s (the “Commission’s”) Thirteenth Section 706 Report Notice of Inquiry (“NOI”) in the above-captioned proceeding.<sup>1</sup> As explained herein, several comments in response to the NOI offered proposals for the Commission to refine its approach to evaluating the availability of advanced telecommunications capability in the U.S. The Association supports many of these proposals, and in particular concurs with NCTA’s assessment that the Commission’s duties under Section 706 are best characterized as “monitoring the *progress* of broadband deployment in the United States.”<sup>2</sup> In evaluating such “progress,” the Commission should determine whether all-fiber networks are “being deployed to all Americans in a reasonable and timely fashion.”<sup>3</sup> As Fiber Broadband’s initial comments demonstrated, providers and consumers have determined that all-fiber networks are essential to providing a superior experience for broadband and other advanced

---

<sup>1</sup> See *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 17-199, Thirteenth Section 706 Report Notice of Inquiry, FCC 17-109 (rel. Aug. 8, 2017).

<sup>2</sup> Comments of NCTA – The Internet & Television Association, GN Docket No. 17-199, 1 (filed Sept. 21, 2017) (“NCTA Comments”) (emphasis added).

<sup>3</sup> 47 U.S.C. § 1302.

telecommunications services.<sup>4</sup> Moreover, the Commission should recognize that while all-fiber networks are being increasingly deployed, the majority of consumers still require access.

Accordingly, the Commission should take appropriate steps to address barriers to and gaps in all-fiber deployments.

## **I. THE COMMISSION SHOULD STUDY THE PROGRESS OF DEPLOYMENT OF ADVANCED TELECOMMUNICATIONS CAPABILITY**

In its initial comments, NCTA observed that this proceeding “presents an opportunity for the Commission to once again make the annual Section 706 Report into a useful tool for monitoring the *progress* of broadband deployment in the United States.”<sup>5</sup> The Association agrees that evaluating the availability of advanced telecommunications capability based on ongoing progress in deployment is a more productive approach to achieving the goals of Section 706, since it will reflect the fact that advanced telecommunications capability has neither a single or static definition. Rather, the definition will vary over time and depending on the particular objective it seeks to achieve. Thus, a focus on *progress* will better serve the Commission as it shapes policies to facilitate the deployment of broadband and other advanced telecommunications services and networks, particularly those supported by all-fiber infrastructure. Indeed, as USTelecom noted in its comments, “by taking a snapshot view of the entire country, our broadband deployment efforts may never be deemed successful.”<sup>6</sup> Thus, the

---

<sup>4</sup> See Comments of the Fiber Broadband Association on the Thirteenth Section 706 Report Notice of Inquiry, GN Docket No. 17-199 (filed Sept. 21, 2017) (“Fiber Broadband Comments”).

<sup>5</sup> NCTA Comments at 1 (emphasis added).

<sup>6</sup> Comments of USTelecom Association, GN Docket No. 17-199 (filed Sept. 21, 2017) (“USTelecom Comments”). Verizon similarly posited that the Commission “should not limit itself to looking at a snapshot of current deployment data, but should instead take into account the investment in broadband now being made by providers, and where appropriate, consider its policies that encourage or fund broadband deployment.”

appropriate inquiry is not whether advanced telecommunications capability is currently available to all Americans, but rather whether such capabilities, in different service offerings and as they are evolving, are “being deployed to all Americans in a reasonable and timely fashion.”<sup>7</sup> As noted in the NOI, the Commission can undertake this analysis by “comparing deployment to census blocks in the present year to deployment to census blocks in previous years.”<sup>8</sup> The Commission then can assess and publish progress in each census block by comparing it to various benchmarks for reasonable and timely deployment, including by comparing urban to rural deployments, domestic to international (accounting for different demographics, geography, and other factors), and current to previous network technology deployments.

## **II. THE COMMISSION SHOULD EVALUATE THE DEPLOYMENT OF ALL-FIBER NETWORKS RATHER THAN FOCUS ON SPEED BENCHMARKS**

In its comments, NCTA suggests that, “to obtain a fuller picture of today’s marketplace, the Commission should broaden its analysis to cover multiple speed thresholds.”<sup>9</sup> NCTA proposes that “the Commission could examine speed tiers similar to those it adopted in the CAF Phase II auction proceeding, i.e., 10/1 Mbps, 25/3 Mbps, 100/20 Mbps, and 1 Gbps/500 Mbps.”<sup>10</sup> Fiber Broadband agrees in principle with NCTA that the Commission’s inquiry should examine

---

Comments of Verizon on the Thirteenth Section 706 Report Notice of Inquiry, GN Docket No. 17-199, 12 (filed Sept. 21, 2017) (“Verizon Comments”).

<sup>7</sup> 47 U.S.C. § 1302. As AT&T stated in its comments, “[t]he statutory inquiry is to determine whether the industry is maintaining a reasonable, ongoing process of deployment, and whether any Commission regulations are impeding that process.” Opening Comments of AT&T Services, Inc., GN Docket No. 17-199, 1 (filed Sept. 21, 2017) (“AT&T Comments”).

<sup>8</sup> NOI, para. 30.

<sup>9</sup> NCTA Comments at 2.

<sup>10</sup> *Id.* at 6.

a variety of key service offerings with advanced telecommunications capabilities provided in the market. Indeed, as USTelecom observed, the single 25/3 Mbps benchmark “was arbitrarily selected based on a hypothetical family’s hypothetical bandwidth requirements for simultaneous use of multiple devices engaged in bandwidth-intense activities.”<sup>11</sup> However, as Fiber Broadband noted in its initial comments, service speeds are increasingly irrelevant for consumers and providers, and do not provide the basis for the Commission having a long-term vision for promoting deployment of advanced telecommunications services across the U.S.<sup>12</sup> Rather, consumers increasingly are focusing on service experience, and they understand that all-fiber networks are essential to providing a superior experience.<sup>13</sup> As a result, providers are ratcheting up their investment in all-fiber networks and are touting this superior service capability to keep current customers and attract new ones.<sup>14</sup> The Commission therefore should reflect how the

---

<sup>11</sup> USTelecom Comments at ii. Despite this observation, USTelecom “conditionally supports the Commission’s proposal to maintain speed thresholds as one factor in its section 706 evaluation, taking into account consumer needs and demand based on actual current usage patterns and reasonably projected demand.” USTelecom Comments at 8-9.

<sup>12</sup> Verizon correctly observed in its opening comments that “[r]epeated resetting of speed benchmarks and evaluating progress according to those artificial thresholds hampers the ability to ensure that consistent progress is made over time.” Thus, “the Commission should avoid becoming distracted by the selection of one or more specific speed thresholds and should instead focus on evaluating the steady and continued deployment of ever more advanced services.” Verizon Comments at 13.

<sup>13</sup> According to 2017 consumer market research data conducted for Fiber Broadband, all-fiber users are far more satisfied than cable modem and DSL users in all aspects, including reliability, consistency, and speed, even when the purported service speeds between fiber and other technologies were identical. *See* Michael Render, “2017 State of Broadband Market Research Update” (presentation at FiberConnect, June 2017).

<sup>14</sup> *See* Fiber Broadband Comments at Appendix (highlighting numerous examples of recent all-fiber deployment efforts by large incumbents, cable companies, new entrants, regional and rural providers, and States and local communities). *See also* Comments of NTCA – The Rural Broadband Association, GN Docket No. 17-199, 2-3 (filed Sept. 21, 2017) (noting that many of NTCA’s members had completed, begun, or planned to deploy fiber connections to their customers).

market has evolved and, as part of its effort to measure advanced telecommunications capabilities, examine progress in the deployment of all-fiber networks, effectively replacing the gigabit tier in the multi-speed framework set forth by NCTA.

### **III. THE COMMISSION SHOULD TAKE STEPS TO FACILITATE THE DEPLOYMENT OF ALL-FIBER NETWORKS**

The initial comments illustrate that although progress continues in the deployment of advanced telecommunications capabilities, the Commission can and should do more to facilitate more rapid investment and deployment, particularly for all-fiber networks. For example, several commenters observed that fixed broadband at speeds of 25/3 Mbps and 10/1 Mbps were available to 90 and 95 percent of U.S. households in 2016, respectively.<sup>15</sup> By contrast, all-fiber networks passed approximately 30 million households in 2016,<sup>16</sup> despite myriad evidence that all-fiber networks deliver a superior broadband experience.<sup>17</sup> Such disparate availability underscores the need for the Commission to take steps pursuant to its authority under Section 706 to reduce barriers and promote investment in and deployment of all-fiber networks, such as those set forth in Fiber Broadband’s and other commenters’ initial comments.<sup>18</sup> Indeed, policy reforms such as adoption of a “one-touch, make-ready” regime for pole attachments,<sup>19</sup>

---

<sup>15</sup> NCTA Comments at 9; USTelecom Comments at 2-5; Verizon Comments at 3-4.

<sup>16</sup> See Michael Render, RVA LLC, “North American FTTH: The Latest Research” (presentation at 2016 Fiber Connect, Nov. 27, 2016).

<sup>17</sup> USTelecom correctly notes, however, that the availability of high-speed services, including gigabit broadband, is growing. See USTelecom Comments at 3. See also Michael Render, RVA LLC, “North American FTTH: The Latest Research” (presentation at 2016 Fiber Connect, Nov. 27, 2016) (observing that in 2016, the growth rate for homes marketed with fiber to the home (“FTTH”) services rose by approximately 16 percent).

<sup>18</sup> See Fiber Broadband Comments at 7-11.

<sup>19</sup> See Fiber Broadband Comments at 7; Verizon Comments at 19-20.

clarification of the limitations on State and local authority under Section 253 of the Communications Act,<sup>20</sup> repeal of the 2015 network change notification rule,<sup>21</sup> and reclassifying broadband Internet access service as an information service<sup>22</sup> will have a meaningful impact on providers' ability to rapidly deploy advanced telecommunications services, and in particular services supported by all-fiber networks.

Respectfully Submitted,

FIBER BROADBAND ASSOCIATION



---

Heather Burnett Gold  
President & CEO  
Fiber Broadband Association  
6841 Elm Street #843  
McLean, VA 22101  
Telephone: (202) 365-5530

October 6, 2017

---

<sup>20</sup> See Fiber Broadband Comments at 7-8; AT&T Comments at 14.

<sup>21</sup> See Fiber Broadband Comments at 10; Verizon Comments at 21; AT&T Comments at 14.

<sup>22</sup> See Fiber Broadband Comments at 10; Verizon Comments at 22; AT&T Comments at 11-13.